

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-2041

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United States of America,

Appellee,

v.

Napoleon Garcia Villa, also known  
as Adalberto Rodriquez, also known  
as NAPO,

Appellant.

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\* Appeal from the United States  
\* District Court for the District  
\* of Nebraska.  
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\* [UNPUBLISHED]  
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Submitted: May 16, 2001

Filed: May 24, 2001

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Before LOKEN, JOHN R. GIBSON, and FAGG, Circuit Judges.

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PER CURIAM.

After finding methamphetamine hidden in a car during a traffic stop, police searched the individuals carrying the drugs and found a piece of paper with the numbers for a cellular telephone and pager. The couriers agreed to a police-controlled delivery. Using the cell phone and pager numbers, they contacted Napoleon Garcia Villa, who sent a runner to retrieve the drugs. After Villa's arrest, officers went to Villa's motel room, where they seized cash and the cell phone and pager that Villa had answered to arrange the drug delivery. A jury convicted Villa of conspiracy to distribute

methamphetamine and the district court\* sentenced him to imprisonment for 324 months. On appeal, Villa asserts the evidence was insufficient to convict him. Having carefully reviewed the record, we conclude the evidence was more than enough to establish the existence of a conspiracy, Villa's knowledge of the conspiracy, and his intentional joinder in the conspiracy. See United States v. Shoffner, 71 F.3d 1429, 1433 (8th Cir. 1995). Villa also asserts certain amounts of methamphetamine should not have been attributed to him. One of the couriers testified he had delivered drugs to Villa before, and Villa contends the district court could not properly rely on this testimony because it was unsubstantiated. Contrary to Villa's contention, evidence independent of the testimony, including a taped conversation between the courier and Villa, showed the couriers had delivered drugs to Villa on an earlier trip. The district court thus committed no error in deciding the total weight of methamphetamine attributable to Villa. We affirm Villa's conviction and sentence.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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\*The Honorable William G. Cambridge, United States District Judge for the District of Nebraska.